

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

LEASA R. HACKETT

PLAINTIFF

v.

Case No. 05-cv-6024

ARLINGTON HOTEL CO., INC.

DEFENDANT

**ORDER GRANTING MOTION TO COMPEL DISCOVERY**

Before the undersigned is the motion of the defendant for an order compelling the plaintiff to respond to discovery requests. (Doc. #10) From the motion, the brief in support and the record herein, it is found and ordered as follows:

1. On January 17, 2006, defendant served upon the plaintiff its motion to compel accompanied by a brief in support thereof. (Doc. #10 & 11) Defendant alleges that it served upon plaintiff interrogatories and request for production of documents on October 13, 2005, but that plaintiff has not responded to the interrogatories or the request for production of documents in the time provided by law.

2. Defendant further alleges that it has attempted to resolve this discovery dispute without the intervention of the court but that this has proven impossible.

3. As of the date of entry of this order, the plaintiff has failed to file a response to the motion to compel.

4. Defendant's motion to compel has been referred to the undersigned for disposition. (Doc. #12))

5. *Rule 7.2(b), Rules of the United States District Court for the Western District of Arkansas* provides that any party opposing a motion shall serve and file with the clerk a concise statement in opposition to the motion within eleven days from the date the motion was served

upon that party.

6. *Rule 7.2(f), Rules of the United States District Court for the Western District of Arkansas* provides that the “failure to timely respond to any nondispositive motion, as required by the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, or by any local rule, shall be an adequate basis, without more, for granting the relief sought in said motion.”

ACCORDINGLY, IT IS FOUND AND ORDERED that the defendants’ motion to compel discovery should be and is granted. The plaintiff is ordered to serve upon the defendant complete responses to the defendant’s discovery requests within eleven (11) days of the date of this order.

FURTHER, the defendant should be and is hereby awarded its costs with respect to this motion as against the plaintiff.

IT IS SO ORDERED this the 31st day of February 2006.

/s/ *Bobby E. Shepherd*

HON. BOBBY E. SHEPHERD

UNITED STATES MAGISTRATE JUDGE